

"EXPRESS MAIL" mailing label No. EM047498209US

Date of Deposit 12/6/99

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 36 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231

Vineet Kohli
Reg. No. 37,003

Vineet Kohli
Signature

Docket No. 35853.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Henrik Stender et al.

SERIAL NO. : 08/943,777

ART UNIT: 1643

FILED : 10/3/97

FOR : Novel Probes for the Detection of Mycobacteria

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-identified application, please amend the

above-identified application as follows:

IN THE CLAIMS

Please cancel claims 1-24, 35 and 36 without prejudice.

Please amend claim 25 to read as follows:

25. (once amended) [Use of a peptide nucleic acid probe according to claim 1 or a mixture thereof for detecting a target sequence of one or more mycobacteria optionally present in a sample.] A method of detecting a target nucleotide sequence corresponding to one or more species of mycobacteria that may be present in a test sample comprising contacting a peptide nucleic acid



RECEIVED

FEB 09 2000

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

probe to said sample under conditions favoring hybridization of said probe to said target sequence and detecting a complex formed between said probe and said target sequence as indicating presence of said target sequence in said test sample; wherein said target nucleotide sequence comprises one of mycobacterial rDNA, precursor rRNA or rRNA.

CLAIMS

Claims 25-34 are in the application and are presented for consideration on the merit.

REMARKS


The claims have been amended to better define the metes and bounds of the claimed invention. No fee is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1855.

An early and favorable examination on the merits is earnestly solicited.

Respectfully submitted,

By: GRAHAM & JAMES LLP

Per:


Vineet Kohli, Esq.
Reg. No. 37,003
Attorney for Applicants
885 Third Avenue, 21st Floor
New York, New York 10022
(212) 848-1065

DATED: December 3, 1999